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8 Adobe Systems Inc.

9  
10 UNITED STATES DISTRICT COURT  
11  
12 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

13 IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

14 THIS DOCUMENT RELATES TO:  
15 ALL ACTIONS

**Master Docket No. 11-CV-2509-LHK**

**DECLARATION OF LIN W. KAHN  
IN SUPPORT OF DEFENDANTS'  
JOINT RENEWED  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL**

16  
17 Date Consolidated Amended Compl. Filed:  
September 13, 2011  
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1 I, Lin W. Kahn, declare as follows:

2       1. I am an attorney with the law firm of Jones Day, counsel for Defendant Adobe  
 3 Systems Inc. (“Adobe”) in the above-captioned action. I am admitted to practice law before this  
 4 Court. I submit this declaration in support of Defendants’ Joint Renewed Administrative Motion  
 5 to File Under Seal. As an attorney involved in the defense of this action, unless otherwise stated,  
 6 I have personal knowledge of the facts stated in this declaration and if called as a witness, I could  
 7 and would competently testify to them.

8       2. I have reviewed Exhibit A to the Omnibus Declaration of Christina J. Brown in  
 9 Support of Defendants’ Replies in Support of Joint Motion to Exclude Testimony of Edward E.  
 10 Leamer, Ph.D. and Joint Motion to Strike Improper Rebuttal Testimony in Dr. Leamer’s Reply  
 11 Expert Report (“Omnibus Brown Declaration”).

12       3. I have reviewed Plaintiffs’ Consolidated Opposition To Defendants’ Joint And  
 13 Individual Motions For Summary Judgment, the Declaration of Dean M. Harvey in Support of  
 14 Plaintiffs’ Opposition Briefs Re Dkts. 554, 556, 557, 559, 560, 561 564, 570, and the Declaration  
 15 of Lisa J. Cisneros in Support of Plaintiffs’ Opposition Briefs Re Dkts. 554, 556, 557, 559, 560,  
 16 561, 564, 570 and supporting exhibits.

17       4. I have reviewed Plaintiffs’ Notice of Motion and Motion to Exclude Expert  
 18 Testimony Proffered by Defendants (“Plaintiffs’ Motion to Exclude”), the Declaration of Lisa J.  
 19 Cisneros in Support of Plaintiffs’ Motion to Exclude Expert Testimony Proffered by Defendants  
 20 (“Cisneros Decl. ISO Motion to Exclude”), Declaration of Lisa J. Cisneros in Support of  
 21 Plaintiffs’ January 9, 2014 Administrative Motion to Seal (“Cisneros Decl. ISO Motion to Seal”),  
 22 and supporting exhibits.

23       5. I have reviewed the Declaration of Anne Selin in Support of Google’s Motion for  
 24 Summary Judgment and its accompanying exhibits, (“Google MSJ”), the Declaration of Victoria  
 25 Weatherford in Support of Apple’s Motion for Summary Judgment and its accompanying  
 26 exhibits, (“Apple MSJ”), the Declaration of Christina Brown in Support of Defendants’ Joint  
 27 Motion to Stricke Improper Rebuttal Testimony in Dr. Leamer’s Expert Report or, in the  
 28 Alternative, for Leave to Submit a Reply Report of Dr. Stiroh (“Motion to Strike”), and the

1 Declaration of Victoria Weatherford in Support of Apple's Motion for Summary Judgment and its  
 2 accompanying exhibits, ("Defendants' Motion to Exclude").

3       6. As described below, the information requested to be sealed contains or  
 4 summarizes Adobe's compensation and recruiting data, practices, strategies and policies. Adobe  
 5 has designated this information as "CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant  
 6 to the Protective Order in this case. (ECF No. 107).

7       7. The October 9, 2012 Declaration of Donna Morris In Support of Defendants' Joint  
 8 Response to Plaintiffs' Administrative Motion to File Under Seal (ECF No. 196) ("10/9/2012  
 9 Morris Decl."), the January 9, 2014 Declaration of Jeff Vijungco in Support of Motion to Seal  
 10 (ECF No. 578), and the Declaration of Rosemary Arriada-Keiper in Support of Motion to Seal  
 11 (ECF No. 579) establish that Adobe's compensation data, practices, strategies and policies, as  
 12 well as its recruiting data, practices, strategies and policies (such as the information sought to be  
 13 redacted below), are confidential and commercially sensitive. As stated in these declarations, it  
 14 is Adobe's practice to keep such information confidential, for internal use only, and not to  
 15 disclose them to the public.

16       8. Moreover, these declarations establish that the public disclosure of this  
 17 information would competitively harm Adobe, including impairing its competitive position in  
 18 recruiting, hiring, and compensating employees. Ms. Arriada-Keiper and Mr. Vijungco declared  
 19 that Adobe derives independent economic value from keeping its compensation data and  
 20 compensation, recruiting and hiring practices, strategies, and policies confidential, including  
 21 keeping it from other persons, entities, and/or competitors who could obtain economic value from  
 22 its disclosure or use.

23       9. Additionally, the February 21, 2014 Declaration of James Oh In Support of  
 24 Defendants' Response to Plaintiffs' Administrative Motion to File Under Seal (ECF No. 672)  
 25 ("2/21/14 Oh Decl."), establish that Adobe maintained certain agreements with Apple and that  
 26 certain redacted portions of those agreements are highly confidential, competitively sensitive, and  
 27 proprietary.

28       10. Furthermore, as stated in the above declarations, the public disclosure of this

1 information, created for internal use, would give third-parties insights into confidential and  
 2 sensitive aspects of Adobe's operations and deprive Adobe of its investment in developing these  
 3 practices, strategies, and policies. These declarations further establish that such disclosure would  
 4 give other entities an unearned advantage by giving them the benefit of knowing how Adobe  
 5 compensates employees and Adobe's compensation, recruiting, and hiring practices, strategies,  
 6 and policies.

7       11. In addition to the above, Adobe's declarations filed in support of the Opposition to  
 8 Plaintiffs' Motion for Class Certification also establish the confidentiality of Adobe's  
 9 compensation and recruiting data, practices, strategies and policies. In particular, the Declaration  
 10 of Donna Morris of Adobe Systems Inc. in Support of the Opposition to Plaintiffs' Motion for  
 11 Class Certification (ECF No. 215, Exhibit 14) ("11/9/2012 Morris Decl."), paragraph 3,  
 12 establishes that Adobe's salary and compensation data, policies and strategies are confidential and  
 13 that public dissemination of that information could cause Adobe competitive harm. The  
 14 Declaration of Jeff Vijungco of Adobe Systems Inc. in Support of the Opposition to Plaintiffs'  
 15 Motion for Class Certification (ECF No. 215, Exhibit 15) ("Vijungco Decl."), paragraph 3,  
 16 similarly establishes that Adobe's recruiting and hiring data, policies and strategies are  
 17 confidential and that public dissemination of that information could cause Adobe competitive  
 18 harm.

19       12. Specifically, Adobe seeks to keep the redacted parts of the following documents  
 20 under seal:

21 **BRIEFS**

22           **Plaintiffs' Consolidated Opposition to Defendants' Joint and Individual Motions for**  
 23 **Summary Judgment (ECF No. 603)**

24       13. Based upon the information provided in the Declaration of James Oh (previously  
 25 filed as ECF No. 672), Adobe seeks to seal the following portion of Plaintiffs' Consolidated  
 26 Opposition to Defendants' Joint and Individual Motions for Summary Judgment (ECF No. 603):

27           a) Page 42 n.38, which quotes directly Harvey Exhibit 51 (Adobe\_110308) the  
 28 confidential Master Agreement for Mutual Disclosure of Information between

1                   Adobe and Apple.

2                   **EXPERT REPORTS AND DECLARATIONS**

3                   **May 10, 2013 Supplemental Expert Report of Edward E. Leamer, Ph.D**

4                  14.     Adobe seeks to seal the following portions of the May 10, 2013 Expert Report of  
5     Edward Leamer, Ph.D., that the Court sealed in its March 14, 2013 Order (ECF No. 730):

- 6                  a) Page 23, Figure 13 contains confidential information about Adobe's average  
7                   compensation. This is confidential employee salary and other compensation  
8                   information that pertain to Adobe's compensation methods, strategies, practices,  
9                   and data.
- 10                 b) Page 27, Figures 15 and 16 contain confidential information about Adobe's  
11                  average compensation. This is confidential employee salary and other  
12                  compensation information that pertain to Adobe's compensation methods,  
13                  strategies, practices, and data.
- 14                 c) The redacted portions of Figure 17, Figure 18, and pages 27-28 contain  
15                  confidential information regarding Adobe's job titles, corresponding headcount,  
16                  and age.
- 17                 d) Page 31, Figure 19 contains confidential information about Adobe's average total  
18                  compensation. This is confidential employee salary and other compensation  
19                  information that pertain to Adobe's compensation methods, strategies, practices,  
20                  and data.
- 21                 e) Exhibit 1 contains confidential Adobe information about specific job titles. This is  
22                  confidential information that pertains to Adobe's employee management practices.

23                   **July 12, 2013 Rebuttal Supplemental Expert Report of Edward E. Leamer, Ph.D**

24                  15.     Adobe seeks to seal the following portions of the July 12, 2013 Rebuttal  
25     Supplemental Expert Report of Edward Leamer, Ph.D., that the Court sealed in its March 14,  
26     2013 Order (ECF No. 730):

- 27                  a) Page 34, Figure 6 contains confidential information about Adobe's compensation  
28                  data. This is confidential internal information that directly relates to Adobe's

1 compensation strategies and practices.

2 **December 11, 2013 Reply Expert Report of Edward E. Leamer, Ph.D.**

3 16. Adobe seeks to seal the following portions of the December 11, 2013 Merits Reply  
4 Expert Report of Edward Leamer, Ph.D.:

- 5 a) Page 22, Figure 6 reveals confidential information about the annual distribution of  
6 compensation by year.
- 7 b) Pages 23 to 24, paragraph 42 and Figure 7 contain confidential Adobe information  
8 related to Adobe's acquisition of Macromedia and compensation for Macromedia  
9 employees as compared to Adobe employees and Adobe salary ranges.
- 10 c) Page 44, Figure 14 reveals confidential Adobe compensation information about the  
11 average compensation of Adobe Technical Class members.
- 12 d) Pages 76 to 77, Appendix A contains confidential Adobe compensation  
13 information, including the salary range for a specific job title, the age of  
14 employees in that title, and salary for specific individuals.

15 **May 10, 2013 Expert Witness Report of Kevin Hallock**

16 17. Adobe seeks to seal the following portions of the May 10, 2013 Expert Report of  
Kevin Hallock, Ph.D., that the Court sealed in its March 14, 2013 Order (ECF No. 730):

- 18 a) Page 16, paragraph 47 contains confidential information about Adobe's  
19 compensation practices and processes, specifically with respect to its salary  
20 ranges.
- 21 b) Page 16, paragraph 48 contains confidential information about Adobe's  
22 compensation practices and processes, specifically with respect to its salary  
23 ranges.
- 24 c) Page 17, paragraph 50 contains confidential information about Adobe's  
25 compensation practices and processes, specifically with respect to its annual  
26 compensation review process.
- 27 d) Page 34, paragraph 113 contains personally identifiable information. This  
28 information is confidential and private because the employee has not sought to

- 1 have his identity placed in the public record.
- 2 e) Page 34, paragraph 115 contains the identity and compensation of an Adobe  
3 employee. This information is confidential and private because the employee has  
4 not sought to have his identity and compensation placed in the public record.
- 5 f) Page 35, paragraph 116 contains the identity of Adobe employees. This  
6 information is confidential and private because the employees have not sought to  
7 have their identities placed in the public record.
- 8 g) Figure 13 contains confidential information about Adobe's compensation  
9 practices, policies, and strategies.
- 10 h) Figure 15 contains confidential information about Adobe's compensation  
11 practices, policies, and strategies.

12 **October 28, 2013 Expert Witness Report of Kevin F. Hallock, Ph.D.**

13 18. Adobe seeks to seal the following portions of the October 28, 2013 Expert Report  
14 of Kevin F. Hallock, Ph.D.:

- 15 a) Page 12, paragraph 35 contains confidential information about Adobe  
16 compensation policies, procedures, and strategies, including how Adobe  
17 determines employee compensation.
- 18 b) Page 30, paragraph 101 contains personally identifying information.
- 19 c) Page 30, paragraph 103 contains personally identifying information and  
20 confidential information about Adobe compensation policies, procedures, and  
21 strategies, including how Adobe determines employee compensation.
- 22 d) Page 31, paragraph 104 contains personally identifying information.
- 23 e) Page 51 paragraph 172 contains confidential information about Adobe  
24 compensation policies, procedures, and strategies, including how Adobe  
25 determines employee merit compensation increases.
- 26 f) Pages 51 to 52, paragraph 174 contains confidential information about Adobe  
27 compensation policies, procedures, and strategies, including how Adobe

1           determines employee merit compensation increases.

- 2           g) Page 105, Figure 8 contains confidential information about Adobe compensation  
3           policies, procedures, and strategies, including how Adobe determines employee  
4           merit compensation increases.
- 5           h) Page 107, Figure 10 contains confidential information about Adobe compensation  
6           policies, procedures, and strategies, including how Adobe determines employee  
7           merit compensation increases.

8           **October 28, 2013 Expert Report of Alan Manning, Ph.D.,**

9           19.       Adobe seeks to seal the following portions of the October 28, 2013 Expert Report  
10          of Alan Manning, Ph.D.:

- 11           a) Pages 23 to 24, paragraph 69 contains confidential information about Adobe  
12           compensation policies, procedures, and strategies, including how Adobe  
13           determines employee merit compensation increases.

14           **December 11, 2013 Rebuttal Report of Matthew Marx,**

15           20.       Adobe seeks to seal the following portions of the December 11, 2013 Rebuttal  
16          Report of Matthew Marx:

- 17           a) Exhibit 3 reveals confidential information about the number of employees at  
18           Adobe in a specific position.

19           **November 25, 2013 Expert Report of Elizabeth Becker, Ph.D.,**

20           21.       Adobe seeks to seal the following portions of the November 25, 2013 Expert  
21          Report of Elizabeth Becker, Ph.D.:

- 22           a) Redacted portions of paragraph 35 on page 10; footnotes 32, 34, and 35 on page  
23           10; and footnote 38 on page 11 contain confidential information regarding  
24           Adobe's compensation structure and the methods used in creating those structures.
- 25           b) Redacted portions of paragraphs 43 to 44 on page 12 contains confidential  
26           information regarding guidelines provided to managers when making individual  
27           compensation decisions.
- 28           c) Redacted portions of paragraphs 71 to 76, 78 to 80 on pages 19 to 22 and footnote

- 1           64 on page 21 contain confidential information regarding Adobe's compensation  
2           structure, individual compensation within that structure (including information  
3           based on confidential compensation data), as well as personal confidential  
4           compensation information regarding the named plaintiffs who worked at Adobe.
- 5           d) Redacted portions of paragraph 101 on pages 26 to 27 contain confidential  
6           information regarding the numerous components of Adobe's compensation.
- 7           e) Redacted portions of paragraph 110 on page 28 contains confidential information  
8           regarding the comparison between base salary pay and equity pay.
- 9           f) Redacted portions of paragraphs 111 and 116 on pages 29 and 30 contain  
10          confidential compensation information regarding the named plaintiffs who worked  
11          at Adobe.
- 12          g) Redacted portions of paragraph 120 on page 32 contain confidential compensation  
13          information derived from Adobe's equity compensation data.
- 14          h) Redacted portions of paragraph 121 on page 32 contain confidential information  
15          regarding Adobe's departments and job titles.
- 16          i) Redacted portions of paragraph 135 on page 36 contain confidential information  
17          regarding Adobe's compensation practice and policy.
- 18          j) Redacted portions of paragraph 139 on page 37 contain confidential information  
19          derived from Adobe's hiring/recruiting data and reveals confidential information  
20          regarding Adobe's recruiting and hiring practices.
- 21          k) Attachment 3 to the Becker report, pages 1 through 12 contain specific  
22          compensation information for each job title at Adobe.
- 23          l) Exhibit A7, Appendix A7, and Appendix A8 to the Becker report contain specific  
24          compensation information for certain job titles at Adobe.
- 25          m) Exhibit A9 and Appendix A9 contain confidential information regarding the  
26          number of employees in each Adobe job code, revealing confidential internal  
27          personnel information.
- 28          n) Exhibit A10 and A11, and Appendix A10 and A11 contain confidential

information regarding the base salary ranges per year, for specific Adobe job titles.

- o) Exhibit B3 and Appendix B3 contain confidential information regarding the ratio of equity grants relative to base salary for Adobe employees.
- p) Exhibit C1 and Appendix C1 contain confidential information regarding the average equity grants awarded by Adobe by year.
- q) Exhibit C2 and Appendix C2 contain confidential information regarding equity grants awarded to certain employees at Adobe.
- r) Exhibit D2 and Appendix D2 contain confidential recruiting/hiring data regarding retention of employees, new hires, and departures.
- s) Appendix E3 contains confidential information regarding Adobe's average annual wage, derived from Adobe's confidential compensation data.

**Nov. 25, 2013, Expert Report of David Lewin, Ph.D.**

22. Adobe seeks to seal the following portions of the November 25, 2013 Expert Report of David Lewin, Ph.D.:

- a) Page 2, heading VI.C contains personally identifying information.
- b) Page 15, portions of paragraph 28 contain confidential information about the structure of Adobe's recruiting organization. This is confidential internal information that directly relates to Adobe's recruiting and hiring strategies and practices.
- c) Page 15, Figure 1 contains confidential information about Adobe's hiring trends. This is confidential internal information that directly relates to Adobe's recruiting and hiring methods, strategies, practices and data.
- d) Page 16, portions of paragraph 30 contain confidential information about channels through which Adobe recruits and hires employees. This is confidential internal information that directly relates to Adobe's recruiting and hiring methods, strategies, practices and data.
- e) Page 19, Figure 2 contains confidential information about Adobe's hiring trends. This is confidential internal information that directly relates to Adobe's recruiting

- 1 and hiring methods, strategies, practices and data.
- 2 f) Pages 30 to 31, portions of paragraph 51 contain confidential about Adobe's job  
3 titles. This is confidential internal information that directly relates to Adobe's  
4 compensation methods, strategies, practices and data.
- 5 g) Page 31 to 34, Figures 4 to 8 and paragraph 52 contain confidential information  
6 about Adobe's compensation of a certain category of employees over time. This is  
7 confidential internal information that directly relates to Adobe's compensation  
8 methods, strategies, practices and data.
- 9 h) Pages 34 to 36, heading VI.C, portions of paragraphs 53 to 55, the title of Table 1,  
10 footnotes 57 to 58, and the title of Figure 9 contain personally identifying  
11 information.
- 12 i) Page 34, footnote 52 contains confidential information about Adobe's  
13 compensation of certain categories of employees over time. This is confidential  
14 internal information that directly relates to Adobe's compensation methods,  
15 strategies, practices and data.
- 16 j) Page 35, Table 1 contains confidential information about an Adobe employee's  
17 compensation over time. This is confidential internal information that directly  
18 relates to Adobe's compensation methods, strategies, practices and data.
- 19 k) Pages 35 to 37, footnotes 57 to 58, Figure 9, and portion of paragraph 55 contain  
20 confidential information about Adobe's compensation of a certain category of  
21 employees over time. This is confidential internal information that directly relates  
22 to Adobe's compensation methods, strategies, practices and data.
- 23 l) Page 38, the title of Table 2 contains personally identifying information.
- 24 m) Page 38, Table 2 contains confidential information about the movement of Adobe  
25 employees between job titles over time. This is confidential internal information  
26 that directly relates to Adobe's compensation, recruiting and hiring methods,  
27 strategies, practices and data.
- 28 n) Page 39 to 40, portion of paragraph 57 and Figure 10 contain confidential

1 information about Adobe's average compensation and the distribution of new hire  
2 compensation. This is confidential internal information that directly relates to  
3 Adobe's compensation methods, strategies, practices and data.

- 4 o) Page 41 to 44, portions of paragraph 59.i, 59.iii to 59.vi, and footnotes 70, 74, and  
5 81 contain confidential information about changes to Adobe's compensation  
6 policies and practices. This is confidential internal information that directly relates  
7 to Adobe's compensation methods, strategies, practices and data.
- 8 p) Page 50, footnote 107 contains personally identifying information.
- 9 q) Pages 51 to 55, portions of paragraphs 71 and 74, and Figure 11 contain  
10 confidential information about components of Adobe's employee compensation.  
11 This is confidential internal information that directly relates to Adobe's  
12 compensation methods, strategies, practices and data.
- 13 r) Page 59 to 60, portions of paragraphs 83 and 84 contain confidential information  
14 about Adobe employee compensation. This is confidential internal information  
15 that directly relates to Adobe's compensation methods, strategies, practices and  
16 data.
- 17 s) Page 60, Table 3 contains confidential information about Adobe employee  
18 compensation and job titles. This is confidential internal information that directly  
19 relates to Adobe's compensation methods, strategies, practices and data.
- 20 t) Exhibits 3A, 3C, 4A, and 5A contain confidential information about Adobe  
21 candidate sources. This is confidential internal information that directly relates to  
22 Adobe's recruiting and hiring methods, strategies, practices and data.
- 23 u) Exhibits 6A, 6B, 6C, 6D, and 6E contain confidential information about Adobe's  
24 hiring trend data. This is confidential internal information that directly relates to  
25 Adobe's recruiting and hiring methods, strategies, practices and data.
- 26 v) Exhibits 9A, 9B, 9C, 9D, 9E, 10A, 10B, 10C, 10D, and 10E contain confidential  
27 information about Adobe's compensation trends by job title over time. This is  
28 confidential internal information that directly relates to Adobe's compensation

- 1                   methods, strategies, practices and data.
- 2       w) Exhibits 11A, 11B, 11C, 11D, and 11E contain confidential information about  
3                   Adobe's compensation of certain categories of employees over time. This is  
4                   confidential internal information that directly relates to Adobe's compensation  
5                   methods, strategies, practices and data.
- 6       x) Exhibit 12 contains confidential information about Adobe's average compensation.  
7                   This is confidential internal information that directly relates to Adobe's  
8                   compensation methods, strategies, practices and data.
- 9       y) Appendix 1 contains confidential information about changes to Adobe's  
10                  compensation policies and practices. This is confidential internal information that  
11                  directly relates to Adobe's compensation methods, strategies, practices and data.
- 12       z) Appendix 5 contains confidential information about Adobe job titles. This is  
13                  confidential internal information that directly relates to Adobe's compensation  
14                  methods, strategies, practices and data.

15                  **June 21, 2013 Supplemental Expert Report of Professor Kevin M. Murphy, Ph.D.**

- 16       23. Adobe seeks to seal the following portions of the June 21, 2013 Supplemental  
17                  Expert Report of Professor Kevin M. Murphy (originally filed as ECF No. 440)  
18                  that the Court sealed in its March 14, 2013 Order (ECF No. 730):
- 19       a) Redacted portions of paragraph 15, page 5 contain confidential information about  
20                  Adobe's job title information and associated compensation data. This is  
21                  confidential internal information that directly relates to Adobe's compensation  
22                  strategies and practices.
- 23       b) Redacted portions of Exhibit 1 contains confidential information about Adobe's  
24                  job title information and associated compensation data. This is confidential  
25                  internal information that directly relates to Adobe's compensation strategies and  
26                  practices.
- 27       c) Redacted portions of Exhibit 2 contain confidential information about Adobe's job  
28                  title information and associated compensation data. This is confidential internal

1 information that directly relates to Adobe's compensation strategies and practices.  
 2 d) Redacted portions of Appendix B contains confidential information about Adobe's  
 3 job titles. This is confidential Adobe information that pertains to Adobe's  
 4 compensation and employee management practices.

5 **November 25, 2013 Expert Report of Professor Kevin M. Murphy, Ph.D.**

6 24. Adobe seeks to seal the following portions of the November 25, 2013 Expert  
 7 Report of Kevin Murphy, Ph.D.:

- 8 a) Appendix C-1 and Appendix D-1 contain confidential information about Adobe's  
 9 recruiting and hiring trends. This is confidential internal information that directly  
 10 relates to Adobe's recruiting and hiring methods, strategies, practices and data.  
 11 b) Appendix E is the November 12, 2012 Expert Report of Professor Kevin M.  
 12 Murphy. Adobe previously sought to file under seal redacted portions of the  
 13 November 12, 2012 Murphy Report, which the Court granted in its order on  
 14 September 30, 2013 (ECF No. 509)  
 15 c) Appendix F is the June 21, 2013 Supplemental Expert Report of Professor Kevin  
 16 Murphy (originally filed as ECF No. 440). Adobe seeks to file under seal the  
 17 same redacted portions that the Court sealed in its March 14, 2013 Order (ECF No.  
 18 730), specifically:  
 19 • Redacted portions of paragraph 15, page 5 contain confidential  
 20 information about Adobe's job title information and associated  
 21 compensation data. This is confidential internal information that directly  
 22 relates to Adobe's compensation strategies and practices.  
 23 • Redacted portions of Exhibit 1 contains confidential information about  
 24 Adobe's job title information and associated compensation data. This is  
 25 confidential internal information that directly relates to Adobe's  
 26 compensation strategies and practices.  
 27 • Redacted portions of Exhibit 2 contain confidential information about  
 28 Adobe's job title information and associated compensation data. This is

1                   confidential internal information that directly relates to Adobe's  
 2                   compensation strategies and practices.

- 3                   • Redacted portions of Appendix B contains confidential information about  
 4                   Adobe's job titles. This is confidential Adobe information that pertains  
 5                   to Adobe's compensation and employee management practices.

6                   **November 12, 2012 Expert Report of Professor Kevin M. Murphy**

7                   25. Adobe seeks to file under seal the redacted portions of the November 12, 2012  
 8                   Expert Report of Professor Kevin M. Murphy that the Court sealed in its September 30, 2013  
 9                   Order (ECF No. 509), specifically:

- 10                   a) Exhibit 3 contains confidential information about the top twenty previous  
                       employers of Adobe's hires. This is confidential employee data that pertains to  
                       Adobe's recruiting strategies, methodologies, and practices.
- 11                   b) Appendices 1A, 1C, 2A, and 2C contain confidential information about the  
                       number and percentage of hires at Adobe from other defendants. This is  
                       confidential employee data that pertains to Adobe's recruiting strategies,  
                       methodologies, and practices.
- 12                   c) Appendices 1B, 1D, 2B, and 2D contains confidential information about the  
                       number and percentage of separations at Adobe that went to other defendants.  
                       This is confidential employee data that pertains to Adobe's recruiting strategies,  
                       methodologies, and practices.
- 13                   d) Appendices 4A and 4B contain information about the distribution of base salaries  
                       at Adobe. This is confidential employee salary information that pertains to  
                       Adobe's compensation methods, strategies, practices and data.
- 14                   e) Appendices 4C and 4D contain information about the distribution of total  
                       compensation at Adobe. This is confidential employee salary information that  
                       pertains to Adobe's compensation methods, strategies, practices and data.
- 15                   f) Appendix 5A contains information about the distribution of total compensation for  
                       the top 10 jobs at Adobe. This is confidential employee salary information that

1 pertains to Adobe's compensation methods, strategies, practices and data.

2 g) Appendix 6A contains information about the distribution of annual changes in total  
3 compensation for the top 10 jobs at Adobe. This is confidential employee salary  
4 information that pertains to Adobe's compensation methods, strategies, practices  
5 and data.

6 **December 6, 2013 Amended Expert Report of Edward A. Snyder, Ph.D.**

7 26. Adobe seeks to seal the following portions of the December 6, 2013 Amended  
8 Expert Report of Edward A. Snyder, Ph.D.:

9 a) Redacted portion of paragraph 36 and footnote 15 on pages 17 to 18 contain  
10 confidential information regarding Adobe's recruiting and hiring strategies and  
11 practices.

12 **Nov. 25, 2013 Expert Report of Lauren J. Stiroh, Ph.D.**

13 27. Adobe seeks to file under seal the redacted portions of the December 6, 2013  
14 Expert Report of Lauren J. Stiroh, Ph.D.:

15 a) Paragraphs 20 to 28 contains confidential Adobe compensation information,  
16 including types of compensation Adobe provides employees, how Adobe  
17 differentiates employee compensation, and criteria and process Adobe uses to  
18 determine employee compensation;  
19 b) Exhibits III.3-8 reveal confidential information regarding the average  
20 compensation for Technical Class members and the average for the various  
21 components of Adobe's compensation package;  
22 c) Exhibit IV.1 reveals confidential information regarding Adobe's hiring and  
23 recruiting data and the confidential records regarding previous employers;  
24 d) Exhibit IV.10, Exhibit IV.14, Exhibit IV.24, and Exhibit IV.29 reveal confidential  
25 compensation information for specific individuals, identified by job title, gender,  
26 tenure, and age;  
27 e) Exhibit IV.15 reveals confidential information about Adobe's job titles and  
28 number of employees for each specific job title.

**EXPERT WITNESS DEPOSITIONS EXCERPTS****Kevin Hallock June 7, 2013 Deposition Excerpts**

28. Adobe seeks to file under seal the redacted portions of Exhibit PPP pages 87:9; 87:11; 87:13; 87:21; 177:18; 178:8; 178:13-14; 178:17; 184:10; 192:13; 192:16; 193:25; 203:4; 203:9; 203:12; 239:15; 243:2; 260:18-21; 262:1; 261:3; 261:5 contain confidential compensation data and personally identifying information.

**FACT WITNESS DEPOSITIONS EXCERPTS****Cisneros Exhibit A, Bruce Chizen, March 15, 2013 Deposition Excerpts**

29. Adobe seeks to file under seal the same redacted portions that the Court sealed in its March 14, 2013 Order (ECF No. 730). Specifically, the redacted portions of Exhibit A pages 93:21-22; 95:20-96:1; 96:10-11; 97:16-18 contain confidential information about Adobe's compensation and recruiting practices, strategies and policies.

**Cisneros Exhibit B, Digby Horner, March 1, 2013 Deposition Excerpts**

30. Adobe seeks to file under seal the same redacted portions that the Court sealed in its March 14, 2013 Order (ECF No. 730). Specifically, the redacted portions of Exhibit B pages 199:10-11; 200:1-11, 200:14; 201:9, 201:12 contain confidential Adobe information about Adobe's average compensation ranges and compensation structure, as well as personally identifying information.

**Cisneros Exhibit C, Rosemary Arriada-Keiper, March 28, 2013 Deposition Excerpts**

31. Adobe seeks to file under seal the same redacted portions that the Court sealed in its March 14, 2013 Order (ECF No. 730). Specifically, the redacted portions of Exhibit C pages 18:15-19:11; 66:1-10; 66:13-17; 67:2-7; 70:25-71:2; 71:19-20; 89:1-10; 95:7-18; 97:7-15; 111:16-21; 112:5-16; 112:22-113:3; 113:4-12; 116:5-8; 125:17-24; 138:22-23; 139:5-10; 140:22-25; 141:5-6; 141:12; 142:16-18; 147:6-14; 147:15-19; 147:23-148:1; 148:3-15; 149:15-20; 150:5-6; 150:9-10; 154:13-155:2; 159:14-16; 161:18-19; 161:20-21; 162:1-14; 162:18-21; 163:23-25; 165:25; 169:6-170:16; 170:18-22; 170:24-171:22; 172:12-15; 188:1-7; 192:6-19; 192:23-25; 198:9-199:11; 201:1-4; 204:1-3; 204:6-23; 205:9-206:5; 207:2-208:5; 215:2-5; 215:8-23; 216:16-

1 20 contain confidential information regarding Adobe's compensation practices, strategies and  
2 policies.

3 **Cisneros Exhibit D, Donna Morris, August 21, 2012 Deposition Excerpts**

4 32. Redacted portions of Exhibit D pages 57:9-20; 57:24-25; 58:5-23; 108:18-20;  
5 140:1; 140:9-13; 140:17-18; 140:23; 141:1; 141:21; 142:3-4; 142:8-11; 143:2-4; 143:11; 143:15;  
6 143:19-22; 143:25; 154:8-25; 155:7-18; 156:2-13 contain confidential information about Adobe's  
7 recruitment strategies, policies and procedures and its policies and practices for setting  
8 compensation.

9 **Cisneros Exhibit F, Debbie Streeter, April 5, 2013 Deposition Excerpts**

10 33. Redacted portions of Exhibit F pages 84:11-85:1; 86:5; 92:19-93:1; 109:13-18;  
11 110:25-111:2; 117:21-23; 124:2-6; 124:19-125:3; 125:5-11; 125:13; 126:14-15; 126:17-18;  
12 140:22-23; 147:2-23; 293:1; 293:6-8; 293:10-13 contain confidential information about Adobe's  
13 strategies, policies and procedures for setting compensation.

14

15 **DOCUMENTS AND DECLARATION**

16 **Cisneros Exhibit 210, ADOBE\_000611**

17 34. Redacted portions of Exhibit 210 contains confidential information regarding  
18 Adobe's recruiting practices, policies, and strategies. This includes confidential recruiting and  
19 hiring data as well as recruiting analyses.

20 **Cisneros Exhibit 211, ADOBE\_012372**

21 35. Redacted portions of Exhibit 211 at 211.2-3 contain confidential Adobe recruiting  
22 and hiring information, and reveals confidential information regarding Adobe's recruiting and  
23 hiring practices and data.

24 **Cisneros Exhibit 212, ADOBE\_002773**

25 36. Redacted portions of Exhibit 212 at 212.4, 212.7-13 contain confidential Adobe  
26 recruiting and hiring practices, procedures, and strategies, and reveals confidential information  
27 regarding Adobe's recruiting and hiring data.

28 **Cisneros Exhibit 214, ADOBE\_008047**

1       37. Redacted portions of Exhibit 214 at 214.1-2 contain confidential Adobe  
2 compensation information, which pertains to Adobe's compensation methods, strategies,  
3 practices, and data.

4           **Cisneros Exhibit 216, ADOBE\_050720**

5       38. Redacted portions of Exhibit 216 at 216.3-5 contain confidential information  
6 regarding Adobe's recruiting, retention, and compensation practices, policies, and strategies.

7           **Cisneros Exhibit 300, Adobe\_013837**

8       39. Redacted portions of Exhibit 300 at 300.2 contain confidential information  
9 regarding Adobe's compensation practices and strategies.

10          **Cisneros Exhibit 303, Adobe\_052404**

11       40. Redacted portions of Exhibit 303 at 303.6-15, 303.17-18, 303.20-27, 303.31;  
12 303.38-40 contain confidential Adobe recruiting and hiring strategies and data.

13           **Cisneros Exhibit 416, Declaration of Donna Morris of Adobe Systems Inc. In  
14 Support of Defendants Opposition to Plaintiffs' Motion for Class Certification**

15       41. Redacted portions of Exhibit 416 ¶¶ 4-8.b, at 416.2-4; ¶¶ 10-26, at 416.4-8; ¶¶ 28-  
16 36, at 416.9-11 contain confidential information regarding Adobe's compensation practices,  
17 policies, and strategies. Paragraph 3 of Exhibit 416 specifically sets forth the confidentiality of  
18 this information. The Court granted these redactions on September 30, 2013 (ECF No. 509).

19           **Cisneros Exhibit 1158, ADOBE\_005661**

20       42. Redacted portions of Exhibit 1158 contain confidential information regarding  
21 Adobe's compensation practices, policies, and strategies. This includes an analysis of an Adobe  
22 employee's compensation, which is confidential and private because the employee has not sought  
23 to have his name and compensation placed in the public record.

24           **Cisneros Exhibit 1159, ADOBE\_019278**

25       43. Redacted portions of Exhibit 1159 contain confidential information regarding  
26 Adobe's compensation practices, policies, and strategies. This includes an analysis of Adobe  
27 employees' compensation, which is confidential and private because these employees have not  
28 sought to have their names and compensation placed in the public record.

**Cisneros Exhibit 1160, ADOBE\_009652**

44. Redacted portions of Exhibit 1160 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of an Adobe employee's compensation, which is confidential and private because the employee has not sought to have his name and compensation placed in the public record.

**Cisneros Exhibit 1250, ADOBE\_011976**

45. Redacted portions of Exhibit 1250 at 1250.1-3 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of an Adobe employee's compensation, which is confidential and private because the employee has not sought to have his name and compensation placed in the public record.

**Cisneros Exhibit 2486, Declaration of Donna Morris of Adobe Systems Inc. In Support of Defendants Opposition to Plaintiffs' Motion for Class Certification**

46. Redacted portions of Exhibit 2486 ¶¶ 4-8.b, at 2486.3-5; ¶¶ 10-26, at 2486.5-9; ¶¶ 28-36, at 2486.10-12; 2486.17-18; 2486.20-23; 2486.28-41; 2486.47; 2486.50-52; 2486.54-69; 2486.74; 2486.76-77; 2486.80-81; 2486.83-89; 2486.91-99; 2486.111; 2486.113-122; 2486.131-142; 2486.144; 2486.146; 2486.148-151; 2486.153-156 contain confidential information regarding Adobe's compensation practices, policies, and strategies. Paragraph 3 of Exhibit 2486 specifically sets forth the confidentiality of this information. The Court granted these redactions on September 30, 2013 (ECF No. 509).

**Cisneros Exhibit 2487, ADOBE\_100600**

47. Redacted portions of Exhibit 2487 at 2487.4-9, 2487.11-15, 2487.17-23 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes detailed information regarding Adobe's annual performance review process.

**Cisneros Exhibit 2501, ADOBE\_009425**

48. Redacted portions of Exhibit 2501 at 2501.1 contain confidential information regarding Adobe's compensation practices, policies, and strategies. This includes an analysis of Adobe employees' compensation, which is confidential and private because these employees have not sought to have their names and compensation placed in the public record. The Court

1 granted these redactions on March 14, 2014 (ECF No. 730).

2           **Cisneros Exhibit 2800, ADOBE\_068264**

3           49. Redacted portions of Exhibit 2800 at 2800.2 contain confidential information  
4 regarding Adobe's compensation practices, policies, and strategies.

5           **Cisneros Exhibit 2812, ADOBE\_059513**

6           50. Redacted portion of Exhibit 2812 at 2812.1 contains personally identifying  
7 information.

8           **Cisneros Exhibit 2823, ADOBE\_025894**

9           51. Redacted portions of Exhibit 2823 at 2823.4 contains confidential information  
10 about Adobe methods and strategies.

11           **Cisneros Exhibit 2825, ADOBE\_019192**

12           52. Redacted portions of Exhibit 2825 contain confidential information regarding  
13 Adobe's compensation practices, policies, and strategies. This includes detailed information  
14 regarding Adobe's annual performance review process.

15           **Harvey Exhibit 34, ADOBE\_002764**

16           53. Redacted portions of Exhibit 34 contain personal identifying information.

17           **Harvey Exhibit 35, ADOBE\_004964**

18           54. Redacted portions of pages 3, 6, and 8 of Exhibit 35 contain confidential  
19 information derived from Adobe's hiring/recruiting data and reveals confidential information  
20 regarding Adobe's recruiting and hiring practices.

21           **Harvey Exhibit 37, ADOBE\_005950**

22           55. Redacted portions of pages 2 to 7 and 17 to 18 of Exhibit 37 contain confidential  
23 Adobe recruiting and hiring information, and contain confidential information regarding Adobe's  
24 recruiting and hiring practices.

25           **Harvey Exhibit 41, ADOBE\_008098**

26           56. Redacted portions of Exhibit 41 contain confidential Adobe compensation  
27 information, which pertains to Adobe's compensation methods, strategies, practices, and data.

28           **Harvey Exhibit 42, ADOBE\_008398**

1       57. Redacted portions of Exhibit 42 contain personally identifying information and  
2 confidential Adobe compensation information, which pertains to Adobe's compensation methods,  
3 strategies, practices, and data.

4              **Harvey Exhibit 43, ADOBE\_008692**

5       58. Redacted portions of Exhibit 43 contain confidential Adobe compensation  
6 information, which pertains to Adobe's compensation methods, strategies, practices, and data.

7              **Harvey Exhibit 44, ADOBE\_015864**

8       59. Redacted portions of Exhibit 44 contain confidential Adobe recruiting and hiring  
9 information, and contains confidential information regarding Adobe's recruiting and hiring  
10 practices.

11              **Harvey Exhibit 45, ADOBE\_016608**

12       60. Redacted portions of Exhibit 45 contain confidential Adobe benefit and  
13 compensation information, which pertains to Adobe's compensation methods, strategies, and  
14 practices.

15              **Harvey Exhibit 47, ADOBE\_109674**

16       61. Based upon the information provided in the Declaration of James Oh (previously  
17 filed as ECF No. 672), Adobe seeks to seal the redacted portions of Exhibit 47 that contain  
18 confidential terms and conditions of the Master Software Loan Agreement between Adobe and  
19 Apple.

20              **Harvey Exhibit 48, ADOBE\_110060**

21       62. Based upon the information provided in the Declaration of James Oh (previously  
22 filed as ECF No. 672), seeks to seal the redacted portions of Exhibit 48 that contain confidential  
23 terms and conditions of the Source Code Evaluation and Assistance Agreement between Adobe  
24 and Apple.

25              **Harvey Exhibit 49, ADOBE\_110292**

26       63. Based upon the information provided in the Declaration of James Oh (previously  
27 filed as ECF No. 672), Adobe seeks to seal the redacted portions of Exhibit 49 that contain  
28 confidential terms and conditions of the Agreements for Unreleased Software between Adobe and

1 Apple.

2                   **Harvey Exhibit 50, ADOBE\_110302**

3         64. Based upon the information provided in the Declaration of James Oh (previously  
4 filed as ECF No. 672), Adobe seeks to seal the redacted portions of Exhibit 50 that contain  
5 confidential terms and conditions of the Agreement of Confidentiality between Adobe and Apple.

6                   **Harvey Exhibit 51, ADOBE\_110308**

7         65. Based upon the information provided in the Declaration of James Oh (previously  
8 filed as ECF No. 672), Adobe seeks to seal the redacted portions of Exhibit 51 that contain  
9 confidential terms and conditions of the following agreement and related amendments, addenda,  
10 exhibits and appendices between Adobe and Apple:

- 11             a) Master Agreement for Mutual Disclosure of Information;
- 12             b) Amendments One and Two to Master Agreement for Mutual Disclosure of  
13                 Information;
- 14             c) First and Second Addenda to Master Agreement for Mutual Disclosure of  
15                 Information; and
- 16             d) Attached Exhibits and Appendices related thereto.

17                   **Harvey Exhibit 52, ADOBE\_110368**

18         66. Based upon the information provided in the Declaration of James Oh (previously  
19 filed as ECF No. 672), Adobe seeks to seal the redacted portions of Exhibit 52 that contain  
20 confidential terms and conditions of the Agreement for Disclosure of Adobe Information and  
21 Assignment between Adobe and Apple.

22                   **Harvey Exhibit 53, ADOBE\_110398**

23         67. Based upon the information provided in the Declaration of James Oh (previously  
24 filed as ECF No. 672), Adobe seeks to seal the redacted portions of Exhibit 53 that contain  
25 confidential terms and conditions of the Master Agreement for Mutual Disclosure of Information  
26 and attached Exhibits and Appendices between Adobe and Apple.

27                   **Harvey Exhibit 54, ADOBE\_110454**

28         68. Based upon the information provided in the Declaration of James Oh (previously

1 filed as ECF No. 672), Adobe seeks to seal the redacted portions of Exhibit 54 that contain  
2 confidential terms and conditions of the Joint Development and License Agreement and attached  
3 Exhibits between Adobe and Apple.

4 **Harvey Exhibit 189, Adobe Systems Inc.'s Responses to Plaintiffs First Set of  
5 Interrogatories Re: Identification of Witnesses, dated March 12, 2012**

6 69. Redacted portions of Exhibit 189 pages 6:3-4; 7:26-27; 8:4-5, 8-9; 9:5-13; 10:4-5,  
7 14-15, 25-27; 11:12-13, 22-23; 12:6-7, 13-14, 21-22, 25-26; 13:15-16, 22-23, 26, 27; 14:6-7, 12-  
8 13, 16-17, 20-21, 25-26; 16:19-20; 18:23-24; 19:29-20:3; 20:14-15 contain personally identifying  
9 information.

10

11 I declare under penalty of perjury under the laws of the United States that the foregoing is  
12 true and correct. Executed this 10th day of April 2014 in San Francisco, California.

13

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15 By: /s/ Lin W. Kahn

Lin W. Kahn

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